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REMARKS

Claims 1, 2, and 16 were pending in the subject application. By this amendment applicant has canceled claims 1, 2 and 16 and added new claims 30-45.

Support for new claim 30 may be found in the specification at, inter alia, page 2, lines 7-8; page 4, line 24; page 7, lines 14-16; page 9, lines 22-25; page 10, line 16; page 11, lines 1-2; page 11, line 6 and page 15, lines 23-26.

Support for new claim 31 may be found in the specification at, inter alia, page 10, lines 4-5.

Support for new claims 32-33 may be found in the specification at, inter alia, page 10, lines 4-5 and page 10, lines 7-8.

Support for new claim 34 may be found in the specification at, inter alia, page 10, lines 4-5 and page 17, line 10.

Support for new claim 35 may be found in the specification at, inter alia, page 10, lines 4-5.

Support for new claim 36 may be found in the specification at, inter alia, page 8, line 29.

Support for new claim 37 may be found in the specification at, inter alia, page 8, line 30 and page 9, lines 18-20.

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Support for new claim 38 may be found in the specification at, inter alia, page 8, line 29.

Support for new claim 39 may be found in the specification at, inter alia, page 8, line 34; page 9, line 1; and page 10, line 10.

Support for new claim 40 may be found in the specification at, inter alia, page 8, line 34; page 9, line 4; and page 10, line 11.

Support for new claim 41 may be found in the specification at, inter alia, page 10, line 11.

Support for new claim 42 may be found in the specification at, inter alia, page 4, lines 10-11 and page 8, lines 3-9.

Support for new claim 43 may be found in the specification at, inter alia, page 7, line 16 and page 8, lines 12-17.

Support for new claim 44 may be found in the specification at, inter alia, page 11, line 1.

Support for new claim 45 may be found in the specification at, inter alia, page 22, lines 14-16.

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Applicant maintains that these amendments raise no issue of new matter. Accordingly, claims 30-45 will be pending upon entry of this Amendment.

Statutory Type Double Patenting Rejection

In the June 8, 2005 Office Action, the Examiner provisionally rejected claims 1, 2, and 16 under statutory type double patenting under 35 U.S.C. §101 as claiming the same invention as that of claims 1, 2 and 16 of copending application, U.S. Publication No. 2004/0235940 A1. The Examiner stated that this is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

In response, applicant, without conceding the correctness of the Examiner's rejection, has canceled claims 1, 2 and 16. Accordingly, this rejection is now moot.

Obviousness Type Double Patenting Rejection

On page 3, of the June 8, 2005 Office Action, the Examiner rejected claims 1, 2, and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 12 of U.S. Patent No. 6,576,659.

Furthermore, on page 4 of the June 8, 2005 Office Action, the Examiner rejected claims 1, 2, and 16 under the judicially

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created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 12 of U.S. Patent No. 6,828,313.

In response, applicant, without conceding the correctness of the Examiner's rejections, has canceled claims 1, 2 and 16. Accordingly, these rejections are now moot.

Conclusion

In view of applicant's amendments and remarks herein, applicant respectfully requests that the Examiner reconsider and withdraw all of the rejections set forth in the June 8, 2005 Office Action.

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with his duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the following documents which are listed on Form PTO-1449 (**Exhibit A**) and are also listed below.

Copies of the references 1-91 listed below are not being submitted pursuant to 37 C.F.R. §1.98(d), as the references were previously submitted to or cited by the U.S. Patent Office during the prosecution of U.S. Serial No. 10/011,377, filed October 22, 2001, now U.S. Patent No. 6,828,313, issued December 7, 2004, on which the subject application relies upon for the benefit of an earlier filing date under 35 U.S.C §120. Applicant files this Supplemental Information Disclosure Statement under C.F.R. §1.97(c)(2), before the mailing of a final office action on the merits accompanied by the fee of ONE HUNDRED EIGHTY DOLLARS (\$180.00) set forth in 37 C.F.R. §1.17(p). Accordingly, applicant requests that this Supplemental Information Disclosure Statement be considered.

1. U.S. Patent No. 5,532,230, issued July 2, 1996, Daynes et al.;
2. U.S. Patent No. 5,872,147, issued February 16, 1999, Bowen;
3. U.S. Patent No. 5,922,701, issued July 13, 1999, Araneo;

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4. U.S. Patent No. 6,828,313, issued December 7, 2004, Fishbein;
5. U.S. Patent Application Publication No. 2003/0049716, Published March 13, 2003, Barton et al.;
6. May 14, 1999 letter from the Department of Health and Human Services, Center For Drug Evaluation and Research, Rockville, Maryland, providing a "Copy of All Disclosable Approval Information For the Product Oxandrin, Manufactured by Biotechnology General," 30 pages;
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21. FDA approved Physician's Product Brochure No. 43 for ANAVAR® Brand of Oxandrolone, including Package Insert, G.D. Searle (1964);
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Applicant requests that the Examiner review the references and make them of record in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than a \$1020.00 fee for a three-month extension of time and \$180.00 fee for submitting a Supplemental Information Disclosure Statement before the mailing of the final office action both of which are enclosed on a check for \$1200.00, is deemed necessary in connection with the filing of this Amendment and Supplemental Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
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